

### **REMARKS**

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 5, 7, 12, 14, 22-39 remain pending. Claims 7 and 14 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### ***Claim Rejections - 35 U.S.C. §102/103***

Claims 5, 7, 12, 14, 22-25 and 29-32 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent 6,714,964 to Stewart et al. ("Stewart"); claims 26-28 and 33-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stewart in view of U.S. Patent 6,631,008 to Aoki ("Aoki"). Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation and/or obviousness and traverse the rejections.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. §102, the cited reference must teach or suggest each and every element in the claims. *See M.P.E.P. §2131; M.P.E.P. §706.02*. Accordingly, if the cited reference fails to teach or suggest one or more claimed elements, the rejection is improper and must be withdrawn.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Applicants have amended claim 7 to recite, *inter alia*, the features

“wherein the selection information includes a candidate list of candidate servers determined based at least on the laboratory information transferred from the order assigning system, wherein the customer service system allows a user to designate the desired one of the servers from the selection information, wherein the order assigning system uses the user designation as the predetermined information, and

wherein the order assigning system determines the selected server based on the laboratory information and customer-specific information, wherein the laboratory information is based on the location of the at least one laboratory and

said customer-specific information is a customer's address or a customer's area code."

Applicants respectfully submit that neither Stewart nor Aoki teach or suggest at least these features of independent claim 7.

Firstly, the prior art does not teach determining a selected server based on information regarding a customer location, such as a customer address or area code. The Examiner relies upon col. 7, lines 27-31 of Stewart to allegedly disclose this feature. This citation states that "[d]ocuments are downloaded... and then replicated on printers for ultimate shipping and delivery of the completed product to an address or location specified by the user." However, Stewart does not disclose that customer location information is used to determine the selected server used to perform the at least one print, as claimed. Aoki is not relied upon to cure this deficiency of Stewart. For at least this reason, neither Stewart nor Aoki, alone or in combination, teach all of the features of independent claim 7.

Additionally, the prior art does not appear to teach the feature wherein a user designates the desired one of the servers from selection information which includes a candidate list of candidate servers. In the Office Action, the Examiner has rejected this feature based on col. 8, lines 50-67 of the Aoki reference, which describes how "one of the printers 40a-40c is selected based on the device information which is received from each device." This device information is used to identify the printer(s) "which have resolutions corresponding to the image quality of the image data" and to establish a priority order "determined according to the smallest delay time." However, although Aoki discloses selecting a printer based on priority information determined from the resolution and the delay time of the available printers, Aoki does not disclose that a user makes a designation from a candidate list of candidate servers or that this designation is used as information from which the selected server used to perform the at least one print is determined. For at least this reason, Stewart in view of Aoki cannot teach all of the features of independent claim 7.

Based on the foregoing, Applicants submit that claim 7 is allowable over the prior art. Additionally, dependent claims 24-28 are likewise allowable at least given their dependence from allowable claim 7, directly or indirectly.

Regarding independent claim 14, Applicants respectfully submit that the arguments submitted above with respect to claim 7 are herein comparably applied to amended claim 14. Applicants submit that claim 14 is likewise allowable over the prior art. Additionally, dependent claims 31-35 are likewise allowable at least given their dependence from allowable claim 14, directly or indirectly.

Therefore, Applicants submit that claims 7, 14, 24-28, and 31-35 are patentable over Stewart and Aoki and respectfully request that the rejection of claims 7, 14, 24-28, and 31-35 under §§ 102(e) and 103(a) be withdrawn.

**CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders Reg. No. 60,166 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: September 8, 2008

Respectfully submitted,

By

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